

(a) placing microbes, adapted to digest hydrocarbons, into at least the core of a floater formed of a porous polymeric foam and adapted to float in or on the surface of the body of water,

(b) placing the floater containing the microbes into a body of water containing hydrocarbons,

(c) allowing the hydrocarbons to penetrate the floater and to contact the microbes, and

(d) allowing the microbes within the floater to digest the hydrocarbons.

The present invention as recited in claim 24, as amended, relates to a hydrocarbon bioremediation system for removing hydrocarbons from a body of water, comprising:

(a) a floater formed of a porous polymeric foam and adapted to float in or on the surface of the body of water, and

(b) microbes located at least within the core of the floater, adapted to digest the hydrocarbons.

Support for the amendments to claims 2, 11 and 24 includes the Figures showing the invention.

The Office Action

The Examiner indicates in paragraph 4 of the Office Action that the claims do not require that the microbes be located throughout the floater, and therefore in the core area as well as the outer region of the floater. The Examiner further states that the language "within the floater" or "into the floater" does not specify the core, or any specific part of the floater.

Distinctions Between the Present Invention and the Prior Art

In view of the Examiner's comments, claims 2, 11 and 24 are amended to recite that the microbes are located at least in the core of the floater, thereby overcoming the rejection. Since

this amendment places the claims into immediate condition for allowance, the Examiner is requested to enter the amendment without requiring the filing of an RCE. The amendments to the claims do not raise a new issue or require further search or examination.


In summary, the prior art does not teach microbes located at least within the core of the floater. This is especially true since the prior art expressly teaches away from locating microbes within the floater core. Reconsideration and withdrawal of the rejection is respectfully requested.

In view of the above amendment, Applicants believe that the pending application is in condition for allowance.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: July 5, 2006

Respectfully submitted,

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